

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CASEY MULLINS, et al.

*

Plaintiffs

*

vs.

* **Civil Action No.: 1-02-CV-1634**

OFFICER THOMAS JUGAN, et al.

*

Defendants

*

PLAINTIFFS' NON-PATTERN JURY INSTRUCTIONS NO. 2
PUNITIVE DAMAGES – CONSIDERATIONS

In making an award of punitive damages, you should only award punitive damages:

1. if you find that the conduct of Officer Thomas Jugan was outrageous; or,
2. if you find that the conduct of Officer Thomas Jugan acted through evil motive, intent to injure, ill will or fraud; or,
2. if you find that Officer Thomas Jugan acted in wanton or reckless disregard for the rights of Shelley Parsons.
3. to punish the wrongdoer to teach him, her or it not to repeat the wrongful conduct and to deter others from engaging in that same conduct.
4. after considering the economic situation of Officer Thomas Jugan, as that economic situation is an important factor in determining whether the award will, in fact, punish as opposed to financially devastating Officer Thomas Jugan.
5. where for purposes of awarding a civil fine and, as such, it should be imposed on an individualized basis, bearing in mind the culpability of Officer Thomas Jugan and his ability to pay.
6. upon proof of an actual loss. An award for punitive damages may not be made unless an award of compensatory damages has also been made.

This instruction is based on the general principles set forth in *Pacific Mutt Life Ins.*,

Co. v. Haslip, 111 S. CT. 1032 (1991), and its interpretation in *Alexander v. Evander*, 88 Md. . App. 672m 704-15, 596 A.2d 687 (1991) cert. denied, 326 Md. 435, 605 A.2d 137(1992).

Respectfully Submitted,

/s/ H. Jeffrey Tabb

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